

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Eddie Burt Wagle v Dept of Corrections**
Docket No. **295112**
L.C. No. **09-041631-AH**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

Plaintiff's motion for a 30-day extension of time to pay the \$16 initial partial filing fee is DENIED as moot because over 30 days have passed from the filing of that motion.

Within 21 days of the certification of this order, plaintiff shall pay to the Clerk of the Court the initial partial filing fee of \$16, shall submit a copy of this order with the payment, and shall refile the copies of his initial pleadings that have already been returned to him. If plaintiff timely files the partial fee and refiles the pleadings, plaintiff may not file another appeal or original action in this Court until such time that either the Department of Corrections remits or plaintiff pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8). Failure to comply with this order shall result in the original complaint not being filed in this Court.

If plaintiff timely files the partial fee and refiles the pleadings, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to plaintiff's account until the payments equal the balance due of \$359. This amount shall then be remitted to this Court. Again, plaintiff may not file either an original action or an appeal until plaintiff pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8).

The Clerk of this Court shall furnish two copies of this order to plaintiff.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 28 2010

Date

Sandra Schultz Mengel
Chief Clerk